



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,539	12/29/1999	BALWINDER S. SAMRA	17207-00003	2363

7590 04/09/2002

JOHN S BEULICK  
ARMSTRONG TEASDALE LLP  
ONE METROPOLITAN SQUARE SUITE 2600  
ST LOUIS, MO 631022740

[REDACTED] EXAMINER

BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
2163	[REDACTED]

DATE MAILED: 04/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/474,539	SAMRA ET AL.
<b>Period for Reply</b>	<b>Examiner</b>	<b>Art Unit</b>
	Andre Boyce	2163
<p>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</p> <p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<b>Status</b>		
<p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>29 December 1999</u>.</p> <p>2a)<input type="checkbox"/> This action is FINAL.                    2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>		
<b>Disposition of Claims</b>		
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-20</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-20</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>		
<b>Application Papers</b>		
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input checked="" type="checkbox"/> The drawing(s) filed on <u>29 December 1999</u> is/are: a)<input type="checkbox"/> accepted or b)<input checked="" type="checkbox"/> objected to by the Examiner.            Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p>11)<input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner.            If approved, corrected drawings are required in reply to this Office action.</p> <p>12)<input checked="" type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>		
<b>Priority under 35 U.S.C. §§ 119 and 120</b>		
<p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <ol style="list-style-type: none"> <li>1.<input type="checkbox"/> Certified copies of the priority documents have been received.</li> <li>2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</li> <li>3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ol> <p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p> <p>a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>		
<b>Attachment(s)</b>		
<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 .</p> <p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____</p>		

## **DETAILED ACTION**

1. Claims 1-20 have been examined.

### ***Oath/Declaration***

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02. The oath or declaration is defective because the wrong filing date is listed on the declarations filed March 28, 2000. "12/27/99" should be --12/29/99--.

### ***Drawings***

3. The drawings are objected to because interfaces, 18 in Figure 1 are illegible.

4. The drawings have also been objected to by the draftsperson.

5. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

6. Claims 5 and 16 are objected to because of the following informalities: a comma needs to be inserted between "graphically" and "clusters". Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waits et al, U.S. Patent No. 5,721,831 in view of Thearling, U.S. Patent No. 6,240,411.

As per claim 1, Waits et al disclose a method of analyzing the success of a marketing campaign by using results and an original campaign database, comprising profiling results of the marketing campaign against a list of user defined dimensions (see column 1, lines 50-57) which may be defined using analytical models. Waits et al do not disclose assigning a score to the results of

the marketing campaign. Thearling discloses models being scored during campaign management (see column 8, lines 48-53). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include assigning a score to the results in the Waits et al method, as seen in the Thearling method, thus allowing analysts to determine the success of the marketing campaign via comparison to other campaign scores and/or a scoring baseline, thereby increasing the analytical robustness of the method.

As per claim 2, Waits et al disclose comparing accounts targeted by the marketing campaign against those accounts not targeted (market segment, see column 3, lines 30-34). By choosing the appropriate market segment the Waits et al method inherently compares it to the segments not chosen.

As per claim 3, Waits et al disclose selecting the differences between targeted and non-targeted accounts (market segment, see column 3, lines 30-34). By choosing the appropriate market segment, the Waits et al method inherently differentiates between the segments chosen versus those not chosen.

As per claim 4, Waits et al disclose ensuring that the marketing campaign is reaching a targeted population base (see column 8, lines 59-67). By determining correlations between the success of the campaign and characteristics of the segment chosen, the Waits et al method is ensuring the target population is reached.

As per claim 5, Waits et al disclose capturing graphically, clusters of data built using statistical procedures (see column 3, lines 66-67 and column 4, lines 1-4).

As per claim 6, Waits et al do not explicitly disclose using the user defined dimensions and the campaign results to construct a gains chart. However, Waits et al disclose a graph and statistics option that may be used to display the data in various formats (see column 4, lines 1-8 and Figure 1K), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the construction of a gains chart in the Waits et al method, thus allowing further graphical analysis of the results, thereby increasing the level of analysis.

As per claim 7, Waits et al do not explicitly disclose rank ordering user defined segments. Thearling discloses selecting the order of models for selection (see column 13, lines 35-41). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include rank ordering the segments in the Waits et al method, as seen in the Thearling method, thus allowing the user to chose segments more likely to produce the desired campaign response, thereby increasing the accuracy of the Waits et al method.

As per claim 8, Waits et al do not explicitly disclose showing where the model works best. However, Waits et al disclose drawing a correlation between success of a campaign and characteristics of the segment (see column 8, lines

62-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include showing where the model works best in the Waits et al method, thus defining the most successful campaign segment, and supplying the user with the most relevant information.

As per claim 9, Waits et al do not explicitly disclose showing where the model performance needs to be addressed. However, Waits et al disclose an investigator who tracks the response of the campaigns and records the data (see column 5, lines 16-23). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include showing where the model performance needs to be addressed in the Waits et al Method, thus allowing the user to improve future campaigns to increase the response percentage of the method.

Claims 10-12 are rejected based upon the rejection of claim 1, since they are the system claims corresponding to the method claim.

Claims 13-20 are rejected based upon the rejections of claims 2-9 respectively, since they are the system claims corresponding to the method claims.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Chou et al, U.S. Patent No. 6,061,658 disclose a computer implemented process that applies data mining techniques to databases containing customer records.

-Melchione et al, U.S. Patent No. 5,966,695 disclose an electronic sales and service system and method for identifying sales targets.

-Cragun et al, U.S. Patent No. 5,774,868 disclose an automated sales promotion selection system using neural networks.

-Morton et al, U.S. Patent No. 6,327,572 disclose methods for introducing information services to potential customers.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (703) 305-1867. The examiner can normally be reached on 8-4:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications, (703) 746-7305 for informal/draft communications, and (703) 746-7238 for After Final communications.

Art Unit: 2163

Any inquiry of a general nature or relating to the status of this application  
or proceeding should be directed to the receptionist whose telephone number is  
(703) 305-3900.

*adb*  
adb  
April 7, 2002

*Kyle J. Choi*  
KYLE J. CHOI  
PRIMARY EXAMINER  
*Art Unit 2163*

## **Attachment for PTO-948 (Rev. 03/01, or earlier)**

**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

### **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

#### **1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

#### **2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

#### **Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.